

UNITED STATES DISTRICT COURT  
THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, Plaintiff,

Case Number 5:15-CR-00285 LHK

v.  
R. Loera, Defendant.

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on September 4, 2003. Defendant was present, represented by his attorney Jay Rorty AFPD. The United States was represented by Assistant U.S. Attorney Carter Stewart.

**PART I. PRESUMPTIONS APPLICABLE**

/ / The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and the defendant has been convicted of a prior offense described in 18 U.S.C. § 3142(f)(1) while on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

There is probable cause based upon (the indictment) (~~the facts found in Part IV below~~) to believe that the defendant has committed an offense

A.  for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 801 et seq., § 951 et seq., or § 955a et seq., OR

B.  under 18 U.S.C. § 924(c): use of a firearm during the commission of a felony.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

/ / No presumption applies.

**PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE**

The defendant has not come forward with sufficient evidence to rebut the applicable presumption[s], and he therefore will be ordered detained.

/ / The defendant has come forward with evidence to rebut the applicable presumption[s] to wit: .

Thus, the burden of proof shifts back to the United States.

**PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE)**

/ / The United States has proved to a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, AND/OR

/ / The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

**PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

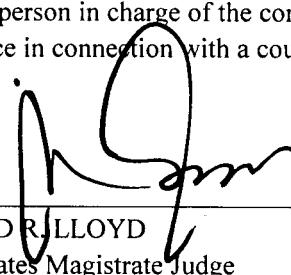
/ / The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of the information submitted at the hearing and finds as follows:

/ / Defendant, his attorney, and the AUSA have waived written findings.

**PART V. DIRECTIONS REGARDING DETENTION**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on the request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

*See attached Addendum*

  
HOWARD R. LLOYD  
United States Magistrate Judge

Dated:

11/23/15

AUSA \_\_, ATTY \_\_, PTS \_\_

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2                   UNITED STATES DISTRICT COURT  
3                   NORTHERN DISTRICT OF CALIFORNIA  
4                   SAN JOSE DIVISION  
5  
6

7                   UNITED STATES OF AMERICA,

8                   Plaintiff,

No. 5:15-cr-00285-LHK

9                   v.

10                  ROBERT LOERA,

11                  Defendant.

12                   

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 /  
13  
14                  ADDENDUM TO ORDER OF  
15                  DETENTION PENDING TRIAL

16                  Robert Loera is charged as a member of a racketeering conspiracy that  
17                  consisted of several Salinas street gangs that engaged in multiple crimes of  
18                  violence, including several homicides. He is named in 8 of the 73 counts in the  
19                  Superseding Indictment. Among the crimes charged against Loera are  
20                  racketeering as well as conspiracy to rob banks, to commit assault with a deadly  
21                  weapon, and to murder. Two other counts allege use or possession of a firearm in  
22                  relation to a crime of violence. If convicted, he faces possible life in prison.  
23                  Another count carries a mandatory minimum of 25 years.

24                  Loera is not alleged to be a full fledged gang member, but is described as  
25                  an associate of the gangs and as the one who opened up his home as a kind of  
26                  meeting place or “clubhouse” where the other members of the conspiracy would  
27                  gather to plan crimes and then, after committing them, returned to defendant’s  
28                  home to debrief. He was found in possession of a gun that has been linked with  
                        high probability to multiple shootings.

Defendant has a history of substance abuse and a criminal record. The offenses alleged against him in the Superseding Indictment took place while he was on probation for a felony conviction.

Even if a reviewing court should find that defendant has rebutted the presumption that he is a flight risk and danger to the community, this court nonetheless concludes that the government has shown by clear and convincing evidence that Loera is a danger to the community.

Dated: 11-25-15

A hand-drawn graph on a white background. It features a solid horizontal line representing a baseline. Above this baseline, there are two distinct, sharp peaks drawn with a black marker. The first peak is on the left, and the second, taller peak is on the right. The area between the baseline and the peaks is shaded with light gray.

Howard R. Lloyd  
United States Magistrate Judge